

---

**Minutes  
BOARD OF ADJUSTMENT  
MAY 23, 2007**

---

The study session of the Board of Adjustment began at 6:30 p.m., in the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

**Present:**

Jeff Winter  
Slade Lawson  
Dave Maza  
Joe Arredondo  
Jon Gillan  
Dr. Adhikari  
Todd Green  
Doug Brown  
Wallis Stemm

Steve Abrahamson, Senior Planner  
Sherri Lesser, Senior Planner  
Shawn Daffara, Planner II  
Andrew Ching, City Attorney

**Absent:**

There were 7 citizens at the pre-session.

The Study Session adjourned at 6:57 p.m.

---

Minutes of the regular hearing of the Board of Adjustment, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

**Present:**

Jeff Winter  
Slade Lawson  
Dave Maza  
Joe Arredondo  
Dr. Adhikari  
Doug Brown  
Wallis Stemm

Steve Abrahamson, Senior Planner  
Sherri Lesser, Senior Planner  
Shawn Daffara, Planner II

**Absent:**

Todd Green  
Jon Gillan

Number of Interested Citizens Present:

15

---

City of Tempe Representatives Present: Jan Koehn, COT Neighborhood Enhancement Manager  
Andrew Ching, City Attorney

Hearing convened at 7:00 p.m. and was called to order by Chair Arredondo.

-----

On a motion by Jeff Winter, seconded by Dave Maza, the Board by a vote of 4-0 approved the Board of Adjustment minutes for April 25, 2007.

(Dr. Adhikari, Doug Brown and Wallis Stemm abstained from this vote as they were not in attendance at the April 25, 2007 Board of Adjustment hearing.)

-----

#### THE BOARD DISCUSSED THE FOLLOWING CASE:

**PL070046** An appeal of the March 20, 2007 Hearing Officer's decision to approve the abatement for the **MERSEREAU PROPERTY (PL070046/ABA07002)** (Todd Mersereau, resident; Gage & Sydna Mersereau, property owners) Complaint No. CE062791 located at 2504 South Jentilly Lane in the R1-6, Single Family Residential District.

Sydna Mersereau was present.

Steve Abrahamson, staff planner, described the abatement history of the property.

Jan Koehn, City of Tempe – Neighborhood Enhancement, gave a slide presentation of the property condition.

#### DISCUSSION:

Vice Chairman Winter asked Mrs. Mersereau what still needs to be removed from the property. Doug Brown questioned who are the workers that are cleaning the property? Dr. Adhikari asked Mrs. Mersereau how much more time did she feel was required to bring the property into compliance. Ms. Mersereau stated that the property should be brought into compliance by Monday, 28 May 2007.

Chairman Arredondo stated that he had driven by the property that afternoon and did not see any workers; junk still remained in the alley also.

Jan Koehn, City of Tempe – Neighborhood Enhancement Department, stated that there had been some progress but that the property was not in compliance. The City still requests that Hearing Officer's decision to approve the abatement proceedings be upheld. Ms. Koehn requested that the Board of Adjustment authorize a ninety (90) day period to allow this property to be abated again if needed. Andrew Ching, City Attorney, stated that it is up to the discretion of the Board of Adjustment as to whether to allow the ninety (90) day open period.

Vice Chairman Winter questioned the status of the interior of the home on this property. Ms. Koehn stated that the City of Tempe – Building Safety Department is investigating.

Doug Brown asked what would be the cost of the abatement. Ms. Koehn replied \$2,100.

Dan Frank, of 2624 South Bonarden Lane, stated that while he was concerned for Todd Mersereau's welfare, enough is enough; the state of this property has been in non-compliance for way too long. He noted that there was a water feature in the front yard of this property and questioned the city's code in relation to water features. Steve Abrahamson, staff planner, responded that the water feature cannot be above four (4) feet in height in the front yard setback.

Kay McDonald, of 5232 North 43<sup>rd</sup> Place, stated that she was Todd Mersereau's sister and that the family was doing their best to rid the property of junk and debris.

**MOTION:** Vice Chair Winter made a motion to uphold the Hearing Officer's decision to approve the abatement for the Mersereau Residence (PL070046/ABT07004) subject to two (2) conditions of approval (Condition No. 1: Abatement Period will be kept open for ninety (90) days (**August 21, 2007**); Condition No. 2: Any issues/structures in the front yard not in compliance with the Zoning and Development Code shall be resolved by the owner with the City of Tempe – Neighborhood Enhancement Department); Dr. Adhikari seconded the motion.

**VOTE:** Approved 7-0

-----

**PL070162** Appeal of the May 1, 2007 Hearing Officer decision to modify the following request by the **COTTRELL RESIDENCE (VRA07001)** (Craig & Andrea Cottrell, applicants/property owners) located at 923 East Carver Road in the AG, Agricultural District for:

**VAR07015** Variance to reduce the front yard setback from forty (40) feet to ~~twenty-four (24)~~ **thirty-two (32) feet** to allow for a garage. **MODIFIED BY HEARING OFFICER**

Andrea Cottrell was present to represent this case. She described the case particulars to the Board of Adjustment noting that the front yard is the only option to place this three (3) car garage. She indicated that the neighbors do not have issues or opposition to her request and that granting this request would increase the property value(s). She stated that this is also a safety issue as the garage is needed to protect the vehicles.

Doug Brown asked if a master bedroom was part of the project. Ms. Cottrell responded that plumbing costs are an issue and that the property is currently on a septic tank system.

Dr. Adhikari noted that the staff summary report had recommended denial of this appeal. Sherri Lesser, staff planner, explained that the denial was based on state law requirements as there were no front yard variances in the area. Different zoning exists across the street from this residence.

**MOTION:** Dr. Adhikari made a motion to approve the appeal of the May 1, 2007 Hearing Officer's decision and allow the variance to reduce the front yard setback from forty (40) feet to twenty-four (24) feet to allow for a garage subject to the amended conditions of approval; Slade Lawson seconded the motion.

**VOTE:**           Approved 6-1  
                  (Jeff Winter dissented.)

Approved subject to the following conditions of approval:

1. Obtain all necessary clearances from the Building Safety Department.
  2. Obtain all necessary clearances from the Public Works Department for on-site retention for expansion of pavement in the front yard.
  3. Per Tempe City Code; improved paved areas shall not exceed 35% of the front and side areas visible from the street.
  4. **The addition (garage) shall match the existing single family residence in design, color and materials.**
- ADDED BY BOARD OF ADJUSTMENT**

-----

The next Board of Adjustment hearing is scheduled for June 27, 2007.

-----

There being no further business the hearing adjourned at 8:20 p.m.

-----

Prepared by: Diane McGuire, Administrative Assistant II

Reviewed by:



---

Steve Abrahamson, Senior Planner

SA:dm